

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 17, 2010**

Court convened at 9:30 a.m. in the courtroom located at 601 West Santa Ana Boulevard, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Moore, J, and Fybel, J. Toni Cajigal, deputy clerk attending.

G042311 LAURA KOSCKI
 v.
 CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

Merits. Cause called. No appearance by appellant Laura Koscki in propria persona. Chara L. Crane, Deputy Attorney General argued for respondent. Cause submitted.

G042204 CHRISTOPHER MEARS P.C.
 v.
 REM PHYSICAL THERAPY

Merits. Cause called. Craig McLaughlin argued for appellant. Respondent Christoper Mears in propria persona. Cause submitted.

G041414 THRIFY PAYLESS, INC.
 v.
 MARINERS MILE GATEWAY, LLC

Merits. Cause called. Wayne Arnold argued for appellant. Daniel J. Kessler argued for respondent. Cause submitted.

G041793 CITY OF EL CAJON
 v.
 HOME DEPOT USA, INC. et al.

Merits. Cause called. Kendra J. Hall argued for appellant City of El Cajon and Daniel Brunton argued for appellant and Cross-respondent Home Depot USA, Inc. C. Ellen Pilsecker argued for respondent County of San Diego. Alena Shamos argued for respondent Lakeside Fire Protection District. Holly D. Whatley argued for respondent County of San Diego Local Agency Information Company. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 17, 2010**

G041990 DONALD RODEN
 v.
 AMERISOURCEBERGEN CORPORATION

Merits. Cause called. Adam J. Karr argued for appellant. Richard E. Hodge argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 17, 2010 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 601 West Santa Ana Boulevard, Santa Ana, California 92701. Panel members are Moore, Acting P. J., Fybel, J., and Ikola, J. Toni Cajigal, deputy clerk attending.

G042140 THE PEOPLE
 v.
 HUGO LOPEZ

Merits. Cause called. Michael I. Garey argued for appellant. Emily Hanks, Deputy Attorney General argued for respondent. Submission deferred to allow supplemental letter brief to be filed by respondent on May 24, 2010, and any response by appellant due on May 28, 2010. Matter will be submitted thereafter.

G042124 THE PEOPLE
 v.
 MODESTO LEON et al.

Merits. Cause called. Douglas A. Bader argued for appellant. Gary Brozio, Deputy Attorney General argued for respondent. Cause submitted.

G042581 THE PEOPLE
 v.
 JOE L. BERNAL

Merits. Cause called. Daphne S. Scott, Deputy District Attorney argued for appellant. James R. Bostwick argued for respondent. Cause submitted.

G042645 THE PEOPLE
 v.
 RONALD FOSTER

Merits. Cause called. Daphne S. Scott, Deputy District Attorney argued for appellant. Gerald J. Miller argued for respondent. Cause submitted.

G041754 THE PEOPLE
v.
MARIO FLORES

Merits. Cause called. Cindy G. Brines argued for appellant. Mehtab Sandu certified law student argued for respondent and Scott Taylor designated as the supervising Deputy Attorney General. Cause submitted.

G040644 THE PEOPLE Not for publication
v.
AHMED A. HIJAZI

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: RYLAARSDAM, ACTING P.J.
ARONSON, J.

G041033	EMERCON CONSTRUCTION, INC., et al., v. CARLEEN BUTTERFIELD	Not for publication
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Opinion filed. The judgments are affirmed, and motion for sanctions granted.

O'LEARY, J.

We concur: BEDSWORTH, ACTING P. J.
MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 17, 2010 (cont'd)**

G041334 THE PEOPLE
& v.
G042214 ISAAKE LELENOA

Order filed. The above entitled cause is ordered submitted this date.

SILL, P. J.

G041833 THE PEOPLE
 v.
 NORMAN K. MILES

Not for publication

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: RYLAARSDAM, ACTING P. J.
 IKOLA, J.

G041944 CHRISTPHER P. MARTENE
 v.
 JENNIFER S. MARTENE

Not for publication

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: BEDSWORTH, ACTING P. J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 17, 2010 (cont'd)**

GO41998 DAVID E. JOHNSON
 v.
 BETHANY BLAINE

Order filed. The petition for rehearing is denied.

RYLAARSDAM, ACTING P. J.

We concur: BEDSWORTH, J.
 FYBEL, J.

G042121 THE PEOPLE
 v.
 JENNIFER STULL

Not for publication

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur: MOORE, J.
 FYBEL, J.

G042305 GAYLON S. ALLRED et al.,
 v.
 TIFFANY SHAW

Not for publication

Opinion filed. The order is affirmed.

IKOLA, J.

We concur: O'LEARY, ACTING P. J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 17, 2010 (cont'd)**

G043039 ORANGE COUNTY SOCIAL
SERVICES AGENCY
v.
G.G.

Order filed. The above entitled cause is submitted this date.

SILLS, P.J.

G043106 ORANGE COUNTY SOCIAL
SERVICES AGENCY
v.
N.O.

Order filed. The above entitled cause is submitted this date.

SILLS, P. J.

G043250 THE PEOPLE
v.
SALAH A. HIJAZI

Not for publication

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: RYLAARSDAM, ACTING P. J.
ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2010**

Court reconvened at 9:30 a.m. in the courtroom located at 601 West Santa Ana Boulevard, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., Bedsworth, J. and Fybel, J. Toni Cajigal, deputy clerk attending.

G041018 THE PEOPLE
 v.
 HOWARD M. MARSHALL

Merits. Cause called. David M. Morse argued for appellant. Gary Brozio, Deputy Attorney General argued for respondent. Cause submitted.

G042353 CLARENDON AMERICAN INSURANCE COMPANY
 v.
 STARNET INSURANCE COMPANY

Merits. Cause called. Howard Wollitz argued for appellant. Patrick T. Wong argued for respondent. Cause submitted.

G042027 DONALD PERRY et al.
 & v.
G042616 SUZANNE TAGUE

Merits. Cause called. Deborah J. Dewart argued for appellant. John P. Glowacki argued for respondent. Submission deferred to allow additional letter briefs. The letter briefs are due by the parties on 6-1-10. The matter will be submitted on 6-1-10.

G041816 ROBERT STEVENSON
 v.
 BOARD OF RETIREMENT OF ORANGE COUNTY

Merits. Cause called. Robert Wexler argued for appellant. David H. Lantzer argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2010 (cont'd)**

G042031 MEDIX AMBULANCE SERVICE, INC.
 v.
 O.C. FIRE AUTHORITY

Merits. Cause called. Michael Leight argued for appellant. M. Lois Bobak argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2010 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 601 West Santa Ana Boulevard, Santa Ana, California 92701. Panel members are Sills, P. J., Aronson, J. and Ikola, J. Toni Cajigal, deputy clerk attending.

G042812 In re PATRICK CONNALLY

Merits Cause called. Linnea Piazza argued for appellant. Richard Pfeiffer argued for respondent. Cause submitted.

G042911 TERRY MABRY

v.

SUPERIOR COURT; AURORA LOAN SERVICES et al.

Merits. Cause called. Moses S. Hall argued for petitioner. Justin D. Balser argued for real party in interest Aurora Loan Services. Melissa R. Coutts argued for real party in interest Quality Loan Services Corporation. Thomas R. Finlay argued as amicus curiae for California Mortgage Association. Cause submitted.

G023926 CLIFFORD DAVIDSON et al.

v.

SUPERIOR COURT; AURORA LOAN SERVICES

Merits. Cause called. Moses S. Hall argued for petitioner. Justin D. Balser argued for real party in interest Aurora Loan Services. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2010 (cont'd)**

G041006 THE PEOPLE Not for publication
 v.
 VICENTE E. LOPEZ

Opinion filed. The judgment is affirmed.

O'LEARY, ACTING P. J.

We concur: FYBEL, J.
 IKOLA, J.

G041646 THE PEOPLE Not for publication
 v.
 VICTOR H. TAPIA

Opinion filed. The judgment is affirmed.

O'LEARY, ACTING P. J.

We concur: FYBEL, J.
 IKOLA, J.

G042039 THEOPHILOS L. Not for publication
 DELIGIANNIS, JR.
 v.
 REBECCA CONTRERAS

Opinion filed. The judgment is affirmed.

SILLS, P. J.

We concur: O'LEARY, J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2010 (cont'd)**

G042574 THE PEOPLE
 v.
 ANA SEGURA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G042581 THE PEOPLE
 v.
 JOSE L. BERNAL

Not for publication

Opinion filed. The judgment is reversed and remanded with directions.

MOORE, ACTING P. J.

We concur: FYBEL, J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2010**

Court furlough date.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2010**

Court reconvened at 9:30 a.m. in the courtroom located at 601 West Santa Ana Boulevard, Santa Ana, California 92701. Panel members are Sills, P. J., Bedsworth, J., O'Leary, J., Moore, J., and Fybel, J. Bonnie LeSage, deputy clerk attending.

G040641 THE PEOPLE
 v.
 DOUGLAS SCHMITZ

Merits. Cause called. William D. Farber argued for appellant. Emily Hanks, Deputy Attorney General, argued for respondent. Cause submitted.

G042916 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 S.M. et al.

Merits. Cause called. William D. Caldwell argued for appellant J.B. Marsha Levine joins in the argument of William D. Caldwell for appellant S.M.. Aurelio Torre, Jr., Deputy County Counsel, argued for respondent. Cause submitted.

G041738 ALAN KRUSS
 v.
 JESS R. BOOTH et al.

Merits. Cause called. Kara Wolfe argued for appellant Alan Kruss. Alan Forsley argued for respondent Jess Booth et al. Jeffrey S. Whittington argued for respondent Estate of Larry Poland. Cause submitted.

G041842 SCOTT PARENT et al.
 v.
 STATE OF CALIFORNIA et al.

Merits. Cause called. Mark P. Robinson argued for appellant Scott Parent. Richard D. Heinrich argued for respondent State of California. No appearance by Ronald Zurek for respondent Harold Stulberg. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2010 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 601 West Santa Ana Boulevard, Santa Ana, California 92701. Panel members are Rylaarsdam J., Aronson, J., Ikola, J., and Fybel, J. Toni Cajigal, deputy clerk attending.

G042772 NORDSTROM COMMISSION CASES

Merits. Cause called. Mark R. Thierman argued for appellant. Julie A. Dunne argued for respondent Nordstrom, Inc. Matthew F. Archibold argued for respondent. Cause submitted.

G042554 THE PEOPLE
v.
FRANK RAMIREZ

Merits. Cause called. Anthony J. Dain argued for appellant. Teresa Torreblanca argued for respondent. Cause submitted.

G042366 JANE DOE
v.
JOHN LYDDON

Merits. Cause called. Ronald B. Funk argued for appellant. Terri L. Masserman argued for respondent. Cause submitted.

G041860 RHONDA SCOTT
v.
THOMPSON RUSSELL et al.

Merits. Cause called. Fred J. Knez argued for appellant. Jill A. Thomas argued for respondent Russell Thompson. Christopher D. Glos argued for City of Dana Point. K. Michele Williams argued for respondent. Tammy Jo Booth. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2010 (cont'd)**

G038585 THE PEOPLE
 & v.
G039979 COREY D. AUSTIN

Order filed. The petition for rehearing is denied.

IKOLA, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

G040600 THE PEOPLE
 v.
 HUY N. NGUYEN

Certified for publication

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: RYLAARSDAM, ACTING P. J.
 ARONSON, J.

G041018 THE PEOPLE
 v.
 HOWARD M. MARSHALL

Not for publication

Opinion filed. The judgment is affirmed in part, reversed in part and remanded.

BEDSWORTH, J.

We concur: RYLAARSDAM, ACTING P. J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2010 (cont'd)**

G041311 MIKE BOYAJIAN Certified for publication
 v.
 SHAHROKH ORDOUBADI

Opinion filed. The judgment is affirmed.

SILLS, P. J.

We concur: MOORE, J.
 IKOLA, J.

G041456 THE PEOPLE
 v.
 LUIS E. CORCOLES

Order filed. Pursuant to rule 8.256(e)(2) of the C.R.C., submission of the above entitled matter is vacated to allow additional time to prepare an opinion. The matter is resubmitted as of this date for the period allowed by law.

RYLAARSDAM, ACTING P.J.

We concur: O'LEARY, J.
 MOORE, J.

G042289 THE PEOPLE Not for publication
 v.
 F.P.

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: RYLAARSDAM, ACTING P.J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2010 (cont'd)**

G042358 GOLDEN RAIN FOUNDATION Not for publication
v.

DAVID LYON

Opinion filed. The post judgment order is affirmed.

IKOLA, J.

We concur: RYLAARSDAM, ACTING P.J.
ARONSON, J.

G042641 THE PEOPLE Not for publication
v.
SEAN E. FRANKHOUSE

Opinion filed. The appeal is dismissed.

MOORE, ACTING P. J.

We concur: ARONSON, J.
FYBEL, J

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2010**

Court reconvened at 9:30 a.m. in the courtroom located at 601 West Santa Ana Boulevard, Santa Ana, California 92701. Panel members are O'Leary, Acting P. J., Moore, J., and Ikola, J. Toni Cajigal, deputy clerk attending.

G041633 RJG, INC.
 & v.
G042082 FORCE PROTECTION, INC.

Merits. Cause called. Max Blecher argued for appellant. Peter N. Villar argued for respondent. Cause submitted.

G041532 ALLEN MIRZAEI et al.
 v.
 SAM AFROOKHTCH

Merits. Cause called. Roy Weatherup argued for appellant. Carver C. Farrow appeared for OA and requested permission to argue for respondent; no respondent brief filed. Appellant does not object. The court granted respondent to argue. Cause submitted.

G042082 MICHAEL KRAUSE, SR. et al.
 v.
 WESTERN HERITAGE INSURANCE COMPANY

Merits. Cause called. Randall L. Winet argued for appellants. Alan B. Yuter argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2010 (cont'd)**

G041237 THE PEOPLE
 v.
 RICARDO SALAS

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041266 THE PEOPLE
 v.
 GERALD D. MANGHAM

Not for publication

Opinion filed. The judgment is reversed and remanded to trial court for further proceedings.

O'LEARY, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

G41512 MARK B. PLUMMER
 v.
 DAY/EIDENBERG, LLP

Certified for publication

Order filed. Order modifying the opinion; with no change in judgment and denying the petition for rehearing.

IKOLA, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2010 (cont'd)**

G041595 SHERRA EWING
 v.
 ALLISON HARGROVE

Order filed. The petition for rehearing is denied.

RYLAARSDAM, ACTING P. J.

We concur: BEDSWORTH, J
 O'LEARY, J.